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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,169	04/26/2006	Gilbert Beringer	1759.220	1101
23405 7590 12/16/2008 HESLIN ROTHENBERG FARLEY & MESTI PC 5 COLUMBIA CIRCLE ALBANY, NY 12203				
EXAMINER				
NGUYEN, XUAN LAN T				
ART UNIT		PAPER NUMBER		
3657				
MAIL DATE		DELIVERY MODE		
12/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,169

Applicant(s)

BERINGER, GILBERT

Examiner

Lan Nguyen

Art Unit

3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date 4/26/06

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "2e" and "2b1". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In claim 3, the claimed feature "the arrangements" lacks antecedent basis.

- In claim 4, the claimed feature “the closure component” lacks antecedent basis.
- In claim 5, the claimed features “the ball” and “the finger” lack antecedent basis.
- In claim 6, the claimed features “the body”, “the bore in the housing” and “the free passage of the fluid” lack antecedent basis.
- In claims 8-10, the claimed features “a first piston head” and “an other head” should be “the first piston head” and “the other head”; since the pair of piston heads has been claimed in claim 1. However, it is suggested that claims 1-7 be amended to include the references of “first and other” or “first and second” to the piston heads in order to be consistent with claims 8-10.
- Claims 9 and 10 are improper because claim 1 is not generic. Claim 1 claims the feature as illustrated in figure 2, hence is no longer generic. Claims 9 and 10 are specifically claiming the features in figures 3 and 4, respectively; therefore are contradicting the claimed feature of claim 1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Unterberg (3,989,312).

Re: claim 1, Unterberg shows a pressure limiting device for a hydraulic braking circuit of a vehicle, as in the present invention, comprising: a leaktight housing 1 hydraulically connected between braking components of a front wheel or wheels and braking components of a back wheel or wheels as shown in figures 1 and 2, said housing having means 7 and 8 for allowing passage of hydraulic fluid in the braking components of the back wheel or wheels until an adjustable set pressure is reached and then for releasing pressure to decrease pressure in said braking components of the back wheel or wheels in proportion to a rise in pressure in the braking components of the front wheel or wheels as shown in figure 2.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unterberg (3,989,312) in view of Sorensen (5,741,049).

Re: claim 2, Unterberg's device, as rejected above uses two separate piston 7 and 8 to accomplish the pressure controlling as claimed, while claim 2 requires a hollow cylindrical body. Sorensen teaches a well known pressure limiting device in figure 3 for use in a brake system, wherein, said device comprises a hollow cylindrical body 229 having at each end a respective piston head 260 and 239 of a pair of piston heads, the

body slides in a leaktight manner inside a bore in the housing, said body having arrangements allowing free passage of the fluid, when the set pressure is reached displacing the body to prevent the fluid passing into the braking components by seating the ball 261. Note that as modified, the device of Sorensen would be located between the front and back wheels of Unterberg's hydraulic system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed Sorensen's device in the hydraulic system of Unterberg in order to take advantage of the compactness and effectiveness of the device of Sorensen while continue to provide the pressure limiting ability to control the braking forces between the front and back brakes of Unterberg's system.

Re: claim 3, Sorensen shows the body 229 having a coaxial bore 259 fitted with a ball 261 controlled by a spring 263 that co-operates with a coaxial finger 287 as claimed.

Re: claim 4, Sorensen further shows inlet 205 and closure component 249.

Re: claim 5, Sorensen also shows pin 289 while the claim requires "pins". The number of pins is considered to be a design choice and would have been obvious of one of ordinary skill to include one pin or a plurality of pins depending on the design of the assembly while still maintaining free passage/free passages for the fluid to pass.

Re: claims 6 and 7, Sorensen shows a spring 215 as claimed in claim 6 and the threaded (i.e. adjustable) cap 249 (column 4, line 50) as claimed in claim 7.

8. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unterberg (3,989,312) in view of Sorensen (5,741,049) and further in view of Farr (3,304,128).

Claims 8-10 claim various combinations of the diameters of the first and the second pistons in order to produce different pressure responses from the pressure limiting device. Farr teaches in column 2, lines 54-58, that in a pressure limiting device, the diameters of the pistons and the spring constants can be varied in order to obtain a certain desired pressure response between the front and the rear brakes. It would have been further obvious to one of ordinary skill in the art at the time the invention was made to have employed the teaching of Farr in the device of Sorensen and the hydraulic system of Unterberg in order to vary the diameters of the pistons to achieve a certain desired pressure response as taught by Farr.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Angelery, Shellhause, Kawai, Lewis and Haussler are cited for various brake systems and pressure limiting devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday, 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xuan Lan Nguyen/ 12-12-08
Primary Examiner
Art Unit 3657